

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
vs.)	Criminal No. 15-201
)	
STEVEN R. LAWNICZAK,)	
)	
Defendant.)	

O R D E R

AND NOW, this 2nd day of September, 2016, the above captioned matter having been re-assigned to the undersigned on September 1, 2016 and defendant Steven R. Lawniczak having entered a plea of guilty to Count 4 of the Indictment filed at Criminal No. 15-201 on July 21, 2016, and in accordance with the Sentencing Reform Act of 1984, 18 U.S.C. §3551, et seq. (1987) and the Sentencing Guidelines of the United States Sentencing Commission promulgated under that Act and the Sentencing Commission Act, 28 U.S.C. §991, et seq. (1987),

IT IS HEREBY ORDERED that:

1. The Probation Office having already filed a Draft Presentence Investigation Report on September 1, 2016 (Document No. [31]), by no later than **September 16, 2016**, pursuant to Fed. R. Crim. P. 32(g), the United States Probation Office shall disclose the Presentence Report to this Court, to the defendant, and to counsel for the defendant and for the government.

2. No later than **September 30, 2016**, the parties shall each file with the Court a pleading entitled "Position of [Defendant or Government as appropriate] With Respect to Sentencing Factors," pursuant to Fed. R. Crim. P. 32(g), §6A1.2(b) of the U.S.S.G., and LCrR 32(c)(4).

4. A party may file a response to the opposing party's Position With Respect to Sentencing Factors by no later than **October 7, 2016**.

5. No later than **October 14, 2016**, the United States Probation Office shall serve this Court and counsel for the defendant and for the government the Presentence Report, together with an addendum setting forth any unresolved objections of counsel to the Presentence Report, together with the Probation Officer's comments thereon. The United States Probation Office shall certify that the Presentence Report, together with any revision thereof and any addendum thereto, have been disclosed to the defendant and to all counsel of record, and that the addendum fairly sets forth any remaining objections and responses.

5. This Court will issue to counsel for the defendant and for the government and to the Probation Office its tentative findings and rulings concerning disputed facts or factors on **October 21, 2016**.

6. This Court will strictly enforce Local Rule 32.1(c)(2) with respect to disclosure of any Presentence Report information.

7. No later than **October 28, 2016**, a party may file supplemental information or a memorandum with respect to sentencing of the defendant, and shall serve the same upon the United States Probation Office. If counsel for the defendant intends to submit letters to the Court for consideration at sentencing, said letters should be electronically filed by no later than **October 28, 2016**. Any letters which counsel deem as containing confidential material necessitating sealing by the Court require counsel to abide by Paragraph 8 of this Court's Electronic Case Filing Policies and Procedures ("Sealed Documents") as well as this Court's policy governing all sealed matters (Misc. No. 05-45 (See Exhibit

B)). Opposing counsel may file a response to any supplemental information or memorandum no later than **November 3, 2016**.

8. In advance of Sentencing, the Court will initiate a Telephonic Sentencing Conference with counsel and the Probation Officer on **Monday, November 7, 2016 at 4:45 p.m.** Counsel should be prepared to outline the parameters of the evidence, if any, to be presented as well as any legal arguments.

9. Any changes in the position of either the defendant or the government must be brought to the Court's attention by **12:00 p.m. on Tuesday, November 8, 2016**.

10. Sentencing of defendant Steven R. Lawniczak (previously set for October 21, 2016 at 1:30 p.m.) will take place on **Thursday, November 10, 2016 at 9:00 a.m.**

s/Nora Barry Fischer
United States District Judge

cc/ecf: Carolyn J. Bloch, Asst. U.S. Atty.
Shaun E. Sweeney, Asst. U.S. Atty.
Akin Adepoju, AFD
Steven R. Lawniczak (USM No. 36600-068) c/o Akin Adepoju, AFD
Probation Office
Pretrial Services
U.S. Marshal